

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Carlos O. PINZON et al.)	Group Art Unit: 1619
)	
Application No.: 09/733,900)	Examiner: Jyothsna VENKAT
)	
Filed: December 12, 2000)	Confirmation No.: 5474
)	
For: COSMETIC COMPOSITIONS)	
CONTAINING HETEROPOLYMERS)	
AND OIL-SOLUBLE CATIONIC)	
SURFACTANTS AND METHODS)	
OF USING SAME)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the listed documents on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached, excluding any U.S. Patents, U.S. Patent Application Publications, and Office Actions of co-pending applications, which are available in the Image File Wrapper System.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached IDS form PTO/SB/08.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **FR 2 659 011** - This document is believed to be a counterpart of U.S. Patent No. 5,925,337, listed on the attached IDS Form PTO/SB/08.
2. **JP 10-175816** - This document is believed to be a counterpart of U.S. Patent No. 5,928,660, listed on the attached IDS Form PTO/SB/08.
3. **JP 2000-063674** - An English language abstract is submitted herewith.

4. **JP 2001-081320** - This document is believed to be a counterpart of U.S. Patent No. 6,402,408, listed on the attached IDS Form PTO/SB/08.

5. **JP 2001-206821** - This document is believed to be a counterpart of U.S. Patent Application Publication No. 2001/0031280, listed on the attached IDS Form PTO/SB/08.

6. **JP 2001-502742** - This document is believed to be a counterpart of WO 98/17705, listed on the attached IDS Form PTO/SB/08.

7. **JP 2003-055155** - An English language abstract is submitted herewith.

8. **JP 2004-517906** - This document is believed to be a counterpart of WO 02/058642, listed on the attached IDS Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 1, 2009

By: Jennifer R. Gupta
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